

Remarks

The Amendment after Final is being made to respond to the Examiner's claim objections and claim rejections under 35 U.S.C. § 112, second paragraph. Reconsideration of this Application is respectfully requested. Claims 1-3, and 6-12, 15-16, and 19-20 are pending in the application, of which claims 1, 8, 12, and 16 are independent. By the foregoing Amendment, claims 7, 12, 16, 19, and 20 are sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Claim Objections

The Examiner, on page 2 of the Final Office Action, has objected to claims 19 and 20 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner states that claims 19 and 20 seem to merely repeat the limitation of the independent claim. Applicants respectfully disagree. Claims 19 and 20 recite a further limitation indicating that the link reverts to the HTTP protocol when a network manager determines that the detected failures or intrusions have been corrected. The Examiner states that this further limitation of a network manager is inherent, and therefore, improper. Applicants respectfully disagree. The Examiner has made an assumption that the only way the link can revert to the HTTP protocol is via a network manager. There are other ways in which the link can revert to the HTTP protocol, such as, for example, (1) automatically once the detected failures or intrusions

have been corrected, (2) automatically after a predefined time delay once the detected failures or intrusions have been corrected, (3) by a user once the detected failures or intrusions have been corrected, etc. Thus, the limitation indicating that the link reverts to the HTTP protocol when a network manager determines that the detected failures or intrusions have been corrected, is not inherent. Therefore, claims 19 and 20 do recite a further limitation to their corresponding parent claims 12 and 16. Applicants therefore respectfully request that the Examiner withdraw the claim objection to claims 19 and 20 as being of improper dependent form for failing to further limit the subject matter of the parent claims.

Rejections under 35 U.S.C. § 112, second para.

The Examiner, on page 3 of the Final Office Action, has rejected claims 7, 12, 15-16, and 19-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, with respect to claim 7, the Examiner states that the phrase “the secured protocol” in line 3 lacks antecedent basis. Applicants have amended claim 7 to change “the secured protocol” to “the secured mode” to overcome this rejection.

With respect to claims 12, 16, 19, and 20, the Examiner states that using the terms “secured” and “non-secured” in the phrases “an HTTP-S secured protocol” and “an HTTP non-secured protocol”, respectively, is redundant since HTTP-S is a secure protocol and HTTP is an unsecured protocol. Applicants have amended claims 12, 16, 19, and 20 to remove the terms “secured” and “non-secured” from these phrases to overcome this rejection.

With respect to claim 15, the Examiner did not provide an explanation as to why this claim is rejected. Applicants, therefore, are not able to respond to the rejection of claim 15, except to say that Applicants believe that the Examiner mistakenly included claim 15 in this rejection.

In summary, Applicants have amended claims 7, 12, 16, 19, and 20 to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 7, 12, 15, 16, 19, and 20.

Rejection under 35 U.S.C. § 103

The Examiner, on page 4 of the Final Office Action, has rejected claims 1-3, 6-12, 15-16, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,473,863 to Genty *et al.* (hereinafter “Genty”) in view of Applicants’ admittance of prior art. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

With respect to independent claim 1, the Examiner states that Genty substantially teaches Applicants’ invention. Applicants respectfully disagree. Genty does not teach or suggest at least the following element of: “a security switch to switch the first link from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol when a report of the detected failures or intrusions is received from the bus monitor.”

Genty does not teach “a security switch to switch the first link from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol” Instead,

Genty teaches that “both the detecting and remote nodes automatically negotiate a secondary VPN tunnel.” *Genty*, col. 6, lines 5-6. With Genty, when the secondary VPN tunnel starts operating, the original VPN tunnel is still active, even though it should not be used. *Genty*, col. 6, lines 25-30. Thus, Genty goes from using an original VPN tunnel to using a secondary VPN tunnel, not “from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol”, as recited in claim 1. In fact, Genty uses a new link, since the first link (the original VPN tunnel) is still in existence when the secondary VPN tunnel (new link) starts operating. *Id.* Furthermore, Genty teaches going from a *first secure mode* (the original VPN tunnel) to a *second secure mode* (the secondary VPN tunnel) not “from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol.”

The Examiner further states, on page 5 of the Final Office Action, that:

Genty does not disclose the first mode is a non-secured mode using an HTTP protocol and the second mode is a secured mode using an HTTP-S protocol. However, HTTP and HTTP-S were well known web protocols at the time applicant's invention was made. This was also admitted by applicant (specification, page 2). At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Genty's invention such that the first mode utilized the non-secured HTTP protocol and the second mode utilized the secured HTTP-S protocol because HTTP and HTTP-S were the standard web protocols used to transfer web pages at the time applicant's invention was made. One skilled would have been motivated to utilize HTTP when there was not a security breach detected and utilize HTTP-S when a breach was detected because HTTP is faster than HTTP-S, while HTTP-S is more secure than HTTP. VPN already offers some security, therefore if the link provided via the VPN tunnel was secure, one skilled would most likely want to use the faster protocol while if there is increased danger of a security breach, one skilled would most likely want to increase security by utilizing HTTP-S since it had already been proven that the security provided via VPN alone may not be enough to keep the data transferred via the first link secure.

Applicants respectfully disagree. Applicants' disclosure does not solve the deficiencies of Genty. First and foremost, Genty does not teach or suggest using a non-secured protocol. In fact, Genty teaches away from using a non-secured protocol (HTTP) because Genty teaches virtual private networks (VPNs). A VPN is an extension of a private intranet network across a public network, such as the Internet, to create a *secure* private connection, which is achieved through an encrypted private tunnel. *Genty*, col. 1, lines 19-23. Thus, there is nothing in Genty to suggest that it should be combined with a non-secure protocol (HTTP). Therefore, the Examiner's rationale to combine relies on the benefit of hindsight reasoning rather than deduction from the prior art. Under these circumstances, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the foregoing reasons, claim 1, and the claims that depend therefrom (claims 2, 3, 6, and 7) are patentable over the cited references. Independent claims 8, 12, and 16 include similar elements as recited in claim 1. Applicants respectfully submit that independent claims 8, 12, and 16, and the claims that depend therefrom (claims 9-11; claims 15 and 19; and 20, respectively) are also patentable over the cited references. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 1, 8, 12, and 16, and the claims that depend therefrom, respectively.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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